

By:   
Chris Harris

S. J.R. No. 22

SENATE  
A JOINT RESOLUTION

1 proposing a constitutional amendment increasing the maximum size of  
2 an urban homestead to 10 acres, prescribing permissible uses of  
3 urban homesteads, and preventing the overburdening of a homestead.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 51, Article XVI, Texas Constitution, is  
6 amended to read as follows:

7 Sec. 51. The homestead, not in a town or city, shall  
8 consist of not more than two hundred acres of land, which may be in  
9 one or more parcels, with the improvements thereon; the homestead  
10 in a city, town or village, shall consist of lot or contiguous lots  
11 amounting to not more than 10 acres [one-acre] of land, together  
12 with any improvements on the land; provided, that the homestead in  
13 a city, town or village [same] shall be used for the purposes of a  
14 homestead claimant <sup>Insert C.A.#1</sup> ~~or as a place to exercise the calling or business~~ of the  
15 homestead claimant, whether a single adult person, or the head of a  
16 family; provided also, that any temporary renting of the homestead  
17 shall not change the character of the same, when no other homestead  
18 has been acquired; provided further that a release or refinance of  
19 an existing lien against a homestead as to a part of the homestead  
20 does not create an additional burden on the part of the homestead  
21 property that is unreleased or subject to the refinance, and a new  
22 lien is not invalid only for that reason.

23 SECTION 2. This proposed constitutional amendment shall be  
24 submitted to the voters at an election to be held November 2, 1999.

1       The ballot shall be printed to provide for voting for or against  
2       the proposition: "The constitutional amendment increasing the  
3       maximum size of an urban homestead to 10 acres, prescribing  
4       permissible uses of urban homesteads, and preventing the  
5       overburdening of a homestead."

## **BILL ANALYSIS**

Senate Research Center  
76R5393 MLS-F

S.J.R. 22  
By: Harris  
State Affairs  
2/22/1999  
As Filed

### **DIGEST**

Currently, a person can secure a home equity loan as result of a constitutional amendment (S.J.R. 31, 75th Legislature) approved by the Texas voters in 1997. Because the home equity amendment was a stand-alone constitutional amendment, some related provisions require clarification after voter adoption. In addition to making those nonsubstantive and conforming changes, S.J.R. 22 authorizes a home equity loan on an urban parcel of land that is not greater 10 ten acres, rather than one acre.

### **PURPOSE**

As proposed, S.J.R. 22 requires the submission to the voters of a constitutional amendment to authorize a home equity loan on an urban parcel of land that is not greater than 10 acres, rather than one acre.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51, Article XVI, Texas Constitution, to require a homestead in a city, town, or village to consist of a lot or contiguous lots that amount to not more than 10 acres, rather than one acre, of land. Requires a homestead in a city, town, or village to be used for the purposes of a home, rather than as a home or as a place to exercise the calling of business, of the homestead claimant. Provides that a release or refinance of an existing lien against a homestead as to a part of the homestead does not create an additional burden on the part of the homestead property that is unreleased or subject to the refinance, and a new lien is not invalid only for that reason. Makes conforming changes.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

By: Harris S.J.R. No. 22  
(In the Senate - Filed February 12, 1999; February 15, 1999,  
read first time and referred to Committee on State Affairs;  
March 15, 1999, reported favorably, as amended, by the following  
vote: Yeas 8, Nays 0; March 15, 1999, sent to printer.)

COMMITTEE AMENDMENT NO. 1 By: Brown

Amend S.J.R. No. 22 as follows:

(1) On SECTION 1, line 25, after the word "home," add the  
following: "or as both an urban home and a place to exercise a  
[the] calling or business."

#### SENATE JOINT RESOLUTION

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home[~~7--or--as--a--place--to--exercise--the--calling--or--business~~] of the  
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\* \* \* \* \*

FAVORABLY AS AMENDED  
SENATE COMMITTEE REPORT ON

SB SCR (SJR) SR HB HCR HJR 22  
By Harris  
(Author/Senate Sponsor)  
3/15/99  
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,  
have on 3/11/99, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass with 1 amendments, and be printed  
☐ do pass with \_\_\_\_\_ amendments, and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Shapiro, Chair	<input checked="" type="checkbox"/>			
Senator Shapleigh, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Brown	<input checked="" type="checkbox"/>			
Senator Cain	<input checked="" type="checkbox"/>			
Senator Haywood	<input checked="" type="checkbox"/>			
Senator Lucio			<input checked="" type="checkbox"/>	
Senator Nixon	<input checked="" type="checkbox"/>			
Senator Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>8</u>	<u>0</u>	<u>1</u>	<u>0</u>

COMMITTEE ACTION

S260 Considered in public hearing  
S270 Testimony taken

Billy B. Nottingham  
COMMITTEE CLERK

Shapiro  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with THREE signed copies of each committee amendment adopted  
Retain one copy of this form for Committee files

WITNESS LIST

SJR 22  
SENATE COMMITTEE REPORT  
State Affairs Committee

March 11, 1999 - 12:30P

For: Rothermel, John F. III (Stewart Title Guaranty Co.), San  
Antonio

Stinson, Bill (Texas Association of Realtors), Austin

Registering, but not testifying:

For: Lee, Randy M. (Stewart Title Guaranty Co.), Austin

Walker, Ron (Texas Association of Realtors), Austin

## **BILL ANALYSIS**

Senate Research Center  
76R5393 MLS-F

S.J.R. 22  
By: Harris  
State Affairs  
3/12/1999  
Committee Report (Amended)

### **DIGEST**

Currently, a person can secure a home equity loan as result of a constitutional amendment (S.J.R. 31, 75th Legislature) approved by the Texas voters in 1997. Because the home equity amendment was a stand-alone constitutional amendment, some related provisions require clarification after voter adoption. In addition to making those nonsubstantive and conforming changes, S.J.R. 22 authorizes a home equity loan on an urban parcel of land that is not greater 10 ten acres, rather than one acre.

### **PURPOSE**

As proposed, S.J.R. 22 requires the submission to the voters of a constitutional amendment to authorize a home equity loan on an urban parcel of land that is not greater than 10 acres, rather than one acre.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51, Article XVI, Texas Constitution, to require a homestead in a city, town, or village to consist of a lot or contiguous lots that amount to not more than 10 acres, rather than one acre, of land. Requires a homestead in a city, town, or village to be used for the purposes of a home or as both an urban home and a place to exercise a calling or business, rather than or as a place to exercise the calling of business, of the homestead claimant. Provides that a release or refinance of an existing lien against a homestead as to a part of the homestead does not create an additional burden on the part of the homestead property that is unreleased or subject to the refinance, and a new lien is not invalid only for that reason. Makes conforming changes.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Section 51, Article XVI, Texas Constitution, to require a homestead to be used for the purpose of a home or as both an urban home and a place to exercise a calling or business.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 12, 1999

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SJR22 by Harris (proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a homestead), **Committee Report 1st House, as amended**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

The Property Code provisions addressed in this bill relate to homesteads exempt from seizure for claims of creditors. However, homesteads can be seized and sold by the state and by taxing units for payment of delinquent state and property taxes. Therefore, this bill would have no fiscal impact on either state or local revenues.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, SD, BR



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

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**Source Agencies:**

**LBB Staff:** JK, SD, BR

# ADOPTED

MAR 18 1999

*Letty Ling*  
Secretary of the Senate

COMMITTEE AMENDMENT NO: 1

By: *[Signature]*

- 1 AMEND S.J.R. 22 as follows:
- 2 (1) ON SECTION 1, line 14, after the word
- 3 "home," add the following: "<sup>or both urban</sup> ~~and as a~~ home and
- 4 to a place to exercise <sup>a</sup> ~~the~~ calling or business."

Insert on line 14

, or as both an urban home and a place to  
exercise a ~~the~~ calling or business ↗

Com. Am. #1

3-18-99

5-24-99

ACE

March 18 19 99 Engrossed

Lately Spaw  
Engrossing Clerk

Copy to be a true and correct  
copy of the bill as amended and  
engrossed as presented to committee.

Chief Clerk of the House

By: Harris

S.J.R. No. 22

(Brimer)

SENATE JOINT RESOLUTION

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 12, 1999

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

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The cost to the state for publication of the resolution is \$76,352.

The Property Code provisions addressed in this bill relate to homesteads exempt from seizure for claims of creditors. However, homesteads can be seized and sold by the state and by taxing units for payment of delinquent state and property taxes. Therefore, this bill would have no fiscal impact on either state or local revenues.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, SD, BR

**LEGISLATIVE BUDGET BOARD**  
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**Source Agencies:**

**LBB Staff:** JK, SD, BR

# HOUSE COMMITTEE REPORT

19 APR 23 PM 11:18

HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Harris

S.J.R. No. 22

(Brimer)

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11 amounting to not more than 10 acres [~~one-acre~~] of land, together  
12 with any improvements on the land; provided, that the homestead in  
13 a city, town or village [~~same~~] shall be used for the purposes of a  
14 home, or as both an urban home and a place to exercise a [~~the~~]  
15 calling or business, of the homestead claimant, whether a single  
16 adult person, or the head of a family; provided also, that any  
17 temporary renting of the homestead shall not change the character  
18 of the same, when no other homestead has been acquired; provided  
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COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

4/19/99  
(date)

Sir:

We, your COMMITTEE ON FINANCIAL INSTITUTIONS

to whom was referred SJR 22 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor BRIMER

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Averitt, Chair	X			
Solomons, Vice-chair	X			
Denny				X
Ehrhardt	X			
Elkins	X			
Grusendorf				X
Marchant				X
Pitts	X			
Solis, Juan	X			

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

CHAIR

168 Averitt

## **BILL ANALYSIS**

Office of House Bill Analysis

S.J.R. 22  
By: Harris  
Financial Institutions  
4/23/1999  
Engrossed

### **BACKGROUND AND PURPOSE**

Currently, Section 51 (Amount of Homestead; Uses), Article XVI, Texas Constitution, limits the homestead to one acre of land if used for the purposes of an urban home. Section 50 (Homestead; Extension of Credit Secured by Lien; Protection from Forced Sale; Mortgages, Trust Deeds, and Liens), Article XVI, Texas Constitution, prohibits the use of collateral other than the homestead as security for a home equity loan. Thus, Texans living on tracts of land exceeding one acre are constitutionally prevented from using the equity in their homes.

As proposed, S.J.R.22 requires the submission to the voters of a constitutional amendment that increases the maximum size of a homestead to 10 acres, provides that the homestead must be on contiguous lots, provides that an urban homestead includes the residential home and a business located on the tract of land and not elsewhere, and recognizes existing lending practices.

### **RULEMAKING AUTHORITY**

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51, Article XVI, Texas Constitution, by requiring a homestead in a city, town or village, to consist of a lot or contiguous lots amounting to not more than 10 acres of land, rather than one acre of land, together with any improvements on the land, and requiring that it be used for the purposes of a home, or as both an urban home and a place to exercise a calling or business, of the homestead claimant. Provides that a release or refinance of an existing lien against a homestead, as to a part of the homestead, does not create an additional burden on the part of the homestead property that is unreleased or subject to the refinance, and a new lien is not invalid only for that reason.

SECTION 2. Requires this proposed constitutional amendment be submitted to the voters at an election to be held November 2, 1999. Sets forth the required language for the ballot.

SUMMARY OF COMMITTEE ACTION

SJR 22

April 19, 1999            3:00PM  
Considered in public hearing  
Testimony taken in committee  
Reported favorably without amendment(s)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 25, 1999

**TO:** Honorable Kip Averitt, Chair, House Committee on Financial Institutions

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **SJR22** by Harris (Proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a homestead.), **As Engrossed**

**No significant fiscal implication to the State is anticipated, other than the cost of publication.**

**The cost to the state for publication of the resolution is \$76,352.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 466 Consumer Credit Commission

**LBB Staff:** JK, TH, SD, DP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 12, 1999

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

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**LBB Staff:** JK, SD, BR

**LEGISLATIVE BUDGET BOARD**  
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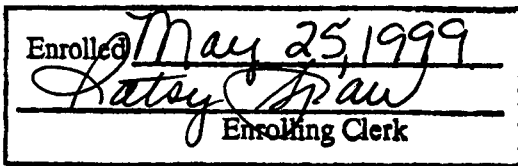
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---

President of the Senate

---

Speaker of the House

I hereby certify that S.J.R. No. 22 was adopted by the Senate  
on March 18, 1999, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

I hereby certify that S.J.R. No. 22 was adopted by the House  
on May 21, 1999, by the following vote: Yeas 138, Nays 1, two  
present not voting.

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Chief Clerk of the House



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 25, 1999

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March 12, 1999

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **SJR22** by Harris (proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a homestead), **Committee Report 1st House, as amended**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

The Property Code provisions addressed in this bill relate to homesteads exempt from seizure for claims of creditors. However, homesteads can be seized and sold by the state and by taxing units for payment of delinquent state and property taxes. Therefore, this bill would have no fiscal impact on either state or local revenues.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, SD, BR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 19, 1999

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **SJR22** by Harris (Proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a homestead.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

The Property Code provisions addressed in this bill relate to homesteads exempt from seizure for claims of creditors. However, homesteads can be seized and sold by the state and by taxing units for payment of delinquent state and property taxes. Therefore, this bill would have no fiscal impact on either state or local revenues.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, SD, BR

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President of the Senate

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Speaker of the House

I hereby certify that S.J.R. No. 22 was adopted by the Senate on March 18, 1999, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

I hereby certify that S.J.R. No. 22 was adopted by the House on May 26, 1999, by the following vote: Yeas 132, Nays 1. 3 for a present not voting.

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Chief Clerk of the House

S.J.R. No.

22

By

*Ch. H.*

Proposing a constitutional amendment increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of urban homesteads, and preventing the overburdening of a...

2-12-99

Filed with the Secretary of the Senate

FEB 15 1999

Read and referred to Committee on STATE AFFAIRS

MAR 15 1999

Reported favorably as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAR 18 1999

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent 29 yeas, 2 nays

MAR 18 1999

Read second time, amended, and ordered engrossed by: { unanimous consent a viva voce vote

MAR 18 1999

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 3 nays.

MAR 18 1999

Read third time, \_\_\_\_\_, and passed by: 29 yeas, 2 nays

*L. King*

SECRETARY OF THE SENATE

OTHER ACTION:

March 18, 1999

Engrossed

March 22, 1999

Sent to House

Engrossing Clerk

MAR 22 1999

*L. King*

Received from the Senate

MAR 23 1999

Read first time and referred to Committee on Financial Institutions

APR 19 1999

Reported \_\_\_\_\_ favorably (~~as amended~~) (~~as substituted~~)

APR 26 1999

Sent to Committee on Calendars

MAY 21 1999

Read second time (~~as amended~~) (~~as substituted~~) and adopted (~~passed to third reading~~) by a record vote of 138 yeas, 1 nays, 2 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

MAY 24 1999

Returned to Senate.

*Sharon Carter*

CHIEF CLERK OF THE HOUSE

MAY 24 1999

Returned from House without amendment.

Returned from House with \_\_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

APR 29 1911  
HOUSE OF REPRESENTATIVES